

Introduced by

Senator Anderson

Representative Rick C. Becker

1 A BILL for an Act to create and enact a new section to chapter 23-01 and a new subsection to
2 section 43-15-11 of the North Dakota Century Code, relating to immunity from liability related to
3 opioid antagonists and limited prescriptive authority for Naloxone rescue kits.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 23-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Opioid antagonist prescription, distribution, possession, or use - Immunity from**
8 **liability.**

9 1. As used in this section:

10 a. "Health care professional" means a licensed or certified health care professional
11 who is working within the scope of practice for that profession. The term may
12 include a physician, physician assistant, advanced practice registered nurse, and
13 pharmacist acting in the professional's scope of practice.

14 b. "Opioid antagonist" means a drug:

15 (1) That is approved by the United States food and drug administration for the
16 treatment of a drug overdose and is recognized by the state department of
17 health for the treatment of a drug overdose; and

18 (2) That when administered negates or neutralizes, in whole or in part, the
19 pharmacological effects of an opioid in the body.

20 2. A health care professional acting in good faith may directly or by standing order
21 prescribe, distribute, or dispense an opioid antagonist to:

22 a. An individual at risk of experiencing an opioid-related overdose; or

23 b. A family member, friend, or other individual in a position to assist an individual at
24 risk of experiencing an opioid-related overdose.

- 1 3. An individual acting in good faith may receive or possess an opioid antagonist if that
2 individual is:
3 a. An individual at risk of experiencing an opioid-related overdose; or
4 b. A family member, friend, or other individual in a position to assist an individual at
5 risk of experiencing an opioid-related overdose.
6 4. An individual acting in good faith may self-administer an opioid antagonist or
7 administer an opioid antagonist to another individual who the administering individual
8 suspects is at risk of experiencing an opioid overdose.
9 5. An individual may receive, possess, or administer an opioid antagonist under
10 subsection 3 or 4, regardless of whether the individual is the individual for or to whom
11 the opioid antagonist is prescribed, distributed, or dispensed.
12 6. An individual who prescribes, distributes, dispenses, receives, possesses, or
13 administers an opioid antagonist as authorized under this section is immune from civil
14 and criminal liability for such action. A health care professional who prescribes,
15 distributes, or dispenses an opioid antagonist as authorized under this section is not
16 subject to professional discipline for such action. This section does not expand the
17 scope of practice of a health care professional. Immunity from liability or discipline
18 under this subsection does not apply if the individual's actions constitute recklessness,
19 gross negligence, or intentional misconduct.

20 **SECTION 2.** A new subsection to section 43-15-11 of the North Dakota Century Code is
21 created and enacted as follows:

22 To establish limited prescriptive authority for individuals to distribute opioid antagonist
23 kits, also known as "Naloxone rescue kits." If the board establishes limited
24 prescriptive authority under this subsection, the board shall adopt rules to establish
25 standards that may include training, certification, and continuing education
26 requirements.